General Assembly **Amendment**

January Session, 2007 LCO No. **9167**

HB0729609167HD0

Offered by:
REP. ROY, 119th Dist.

To: House Bill No. **7296** File No. 434 Cal. No. 362

"AN ACT CONCERNING THE REPORTING OF PETROLEUM AND CHEMICAL SPILLS."

Strike everything after the enacting clause and substitute the following in lieu thereof:

"Section 1. Section 22a-449o of the general statutes, as amended by section 1 of substitute house bill 7125 of the current session, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) As used in this section:

(1) "Double-walled underground storage tank" means an underground storage tank that is listed by Underwriters Laboratories, Incorporated and that is constructed using two complete shells to provide both primary and secondary containment, and having a continuous three-hundred-sixty degree interstitial space between the two shells which interstitial space shall be continuously monitored using inert gas or liquid, vacuum monitoring, electronic monitoring,

mechanical monitoring or any other monitoring method approved in writing by the commissioner before being installed or used;

(2) "Double-walled underground storage tank system" means one or more double-walled underground storage tanks connected by double-walled piping and utilizing double-walled piping to connect the underground storage tank to any associated equipment;

(3) "Hazardous substance" means a substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, but does not include any substance regulated as a hazardous waste under subsection (c) of section 22a-449 or any mixture of such substances and petroleum;

(4) "Petroleum" means crude oil, crude oil fractions and refined petroleum fractions, including gasoline, kerosene, heating oils, any biofuel blend, and diesel fuels;

(5) "Underground storage tank" means a tank or combination of tanks, including underground pipes connected thereto, used to contain an accumulation of petroleum or hazardous substances, whose volume is ten per cent or more beneath the surface of the ground, including the volume of underground pipes connected thereto; **[**and**]**

(6) "Underground storage tank system" means an underground storage tank, connected piping and any associated ancillary equipment and containment system, including, but not limited to, satellite piping, and all containment sumps, **[**dispensers and dispenser pans or other comparable underdispenser spill containment**]** including, but not limited to new under-dispenser containment sumps and new piping containment sumps;

(7) "Under-dispenser containment sump" means a containment sump located underneath a dispenser that is designed to prevent liquids that may accumulate in such containment sump, such as leaks from the dispenser, from leaving the containment sump and reaching soil, groundwater or surface waters;

(8) "New under-dispenser containment sump" means a containment sump located underneath a dispenser that (A) is designed to prevent liquids that may accumulate in such containment sump, such as leaks from the dispenser, from leaving the containment sump and reaching soil, groundwater or surface waters, (B) allows for visual inspection and access to the components of such sump and any components contained therein, (C) contains leak detection equipment, such as a sensor, that at all times is capable of detecting any liquid that may accumulate in such containment sump, including, but not limited to, leaks from the dispenser, and (D) contains an alarm or other device that notifies the owner or operator immediately whenever a liquid accumulates in the containment sump;

(9) "New piping containment sump" means a sump housing a turbine pump or piping that distributes petroleum or regulated substances and that (A) is designed to prevent liquids that may accumulate in such containment sump, including, but not limited to, leaks from the piping or pump, from leaving the containment sump and reaching soil, groundwater or surface waters, (B) allows for visual inspection and access to the components of such sump and the components contained therein, (C) contains leak detection equipment, such as a sensor, that at all times is capable of detecting any liquid that may accumulate in such containment sump, including, but not limited to, leaks from the turbine pump or piping, and (D) contains an alarm or other device that notifies the owner or operator immediately whenever a liquid accumulates in the containment sump;

(10) "Operator" means any person or municipality in control of, or having responsibility for, the daily operation of an underground storage tank system; and

(11) "Owner" means the person or municipality in possession of or having legal ownership of an underground storage tank system.

(b) No person or municipality shall install, on or after October 1, 2003, an underground storage tank system and no person or

municipality shall operate or use, an underground storage tank system installed after October 1, 2003, unless such underground storage tank system is a double-walled underground storage tank system. This section shall not apply to a residential underground storage tank system, as defined in section 22a-449a. **[**On or after January 1, 2008, no person or municipality shall install an underground storage tank system, or operate or use an underground storage tank system installed after January 1, 2008, unless such underground storage tank system is equipped with liquid-tight and vapor-tight sumps with electronic leak detectors and dispenser pans or other comparable underdispenser spill containment with electronic leak detectors. No person or municipality shall have an underground storage tank system's containment sump, dispenser or underdispenser spill containment repaired on or after January 1, 2008, to restore said components to operating condition without equipping said underground storage tank system with liquid-tight and vapor-tight sumps with electronic leak detectors and dispenser pans or other comparable underdispenser spill containment with electronic leak detectors.**]**

(c) On and after January 1, 2008, no person or municipality shall install, operate or use an underground storage tank system installed after January 1, 2008, unless such underground storage tank system is equipped with a new under-dispenser spill containment sump with leak detection.

(d) On or after January 1, 2008, no person or municipality shall replace a piping containment sump and no person or municipality shall operate or use an underground storage tank system with a replaced piping containment sump, unless the replaced piping containment sump meets the requirements of a new piping containment sump. On or after January 1, 2008, any person or municipality that replaces one or more of the following shall ensure that an under-dispenser containment sump that qualifies as a new under-dispenser containment sump, as defined in this section, is installed for each dispenser associated with such underground storage

tank system: (1) An under-dispenser containment sump; (2) twenty-five per cent or more of the piping associated with an underground storage tank system; (3) a dispenser and more than fifty per cent of the transitional component, such as a flex-joint or flexible piping, that is physically located directly beneath the dispenser; or (4) twenty-five per cent or more of the dispensers at a facility. The requirements of subdivision (3) of this subsection shall not apply to a dispenser that is replaced due to damage resulting from an accident or vandalism.

(e) (1) Before using or operating an underground storage tank system installed after January 1, 2008, the owner or operator of any such underground storage tank system shall conduct tests which demonstrate that there is no release or loss of any liquids from any part of the double-walled underground storage tank system, including a demonstration that any liquid that accumulates in a new piping containment sump and a new under-dispenser containment sump will not leave such sump or be released into the environment. The owner or operator shall perform such test upon installation, six months after installation, and every five years thereafter. On or before January 1, 2011, the Commissioner of Environmental Protection may review the results of all of the tests performed six months after installation, and their effectiveness in detecting leaks.

(2) The owner or operator of any underground storage tank system repairing a piping containment sump or under-dispenser containment sump installed after January 1, 2008, shall conduct a test that demonstrates that after such repairs, the repaired piping containment sump or under-dispenser containment sump meets the requirements of a new piping containment sump or new under-dispenser containment sump before using or operating such underground storage tank system.

(3) The owner or operator of an underground storage tank system shall maintain the results of all testing to demonstrate compliance with the requirements of this subsection in the same manner, location and for the same time period as prescribed in regulations adopted by the

Commissioner of Environmental Protection. The owner or operator shall provide such results to the Commissioner of Environmental Protection upon request.

(f) If an alarm, sensor or similar device in a new under-dispenser containment sump or new piping containment sump indicates that liquid is present in such sump, the owner or operator of such sump shall: (1) Immediately investigate the cause for the presence of liquids in such sump and take corrective measures as appropriate; (2) remove all petroleum from such sump not later than twenty-four hours after any alarm or similar device indicates that liquids are present in such sump; and (3) remove all other liquids, including, but not limited to, water, from such sump not later than seventy-two hours after any alarm or similar device indicates that liquids are present in such sump. Any liquids removed from an under-dispenser containment sump or new piping containment sump shall be managed in accordance with any regulations adopted pursuant to this section.

(g) No person, including, but not limited to, an owner or operator, shall remove, disable or otherwise render inoperable any sensor in a new under-dispenser containment sump or new piping containment sump or any alarm or other device used to indicate whether liquids are present in any such sump. No owner or operator shall use an underground storage tank system equipped with a new under-dispenser containment sump or a new piping containment sump if any sensor in such sump, or any alarm or other device used to indicate whether liquids are present in any such sump, is removed, disabled or otherwise inoperable.

(h) The Commissioner of Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, to carry out the provisions of this section, including, but not limited to, requirements for: Testing procedures, the storage of records regarding testing, and underground storage tank systems that differ from those set forth in this section, including which underground tank systems are subject to the requirements of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2007*	22a-449o